

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAVANCE ROSS PAYNE,
Plaintiff,
v.
BASER, et al.,
Defendants.

No. 2:20-cv-00553-TLN-KJN

ORDER

Plaintiff Javance Ross Payne (“Plaintiff”), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 2, 2021, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 47.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 50.)

Plaintiff seems to suggest that he did not receive the “proper assistance” when filing his complaints and appeals in light of his learning, hearing, and cognitive disabilities, and therefore administrative remedies were “technically unavailable” to him. (*See id.*) Plaintiff argues, therefore, that Defendants C. Baser and Crisanto (collectively, “Defendants”) are not entitled to summary judgment. (*See id.*) As the magistrate judge noted in the findings and

1 recommendations, Plaintiff still does not cite to any legal authority in his objections to support the
2 assertion that these conditions, standing alone, make administrative remedies unavailable to
3 Plaintiff.

4 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
5 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
6 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

7 The Court has reviewed the file and finds the findings and recommendations to be
8 supported by the record and by the magistrate judge's analysis.

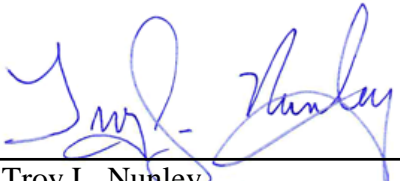
9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Findings and Recommendations filed April 2, 2021 (ECF No. 47), are ADOPTED
11 IN FULL; and
12 2. Defendants' Motion for Summary Judgment (ECF No. 36) is GRANTED.

13 IT IS SO ORDERED.

14 DATED: August 4, 2021

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Troy L. Nunley
United States District Judge